

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

NOV 21 2011

MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT

Alita Jones

(Name of the plaintiff or plaintiffs)

v.

Chicago Board of Education

(Name of the defendant or defendants)

CIVIL ACTION

11CV8326

JUDGE MANNING

MAG. JUDGE KIM

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Alita Jones of the
county of COOK in the state of ILLINOIS.

3. The defendant is Chicago Board of Education, whose
street address is 125 South Clark Street,

(city) Chicago (county) Cook (state) Illinois (ZIP) _____

(Defendant's telephone number) (773)-553-1010

4. The plaintiff sought employment or was employed by the defendant at (street address)

125 SO. Clark Street (city) Chicago

(county) Cook (state) Illinois (ZIP code) 60603

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☒ was hired and is still employed by the defendant.
- (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month)_____, (day)_____, (year)_____.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ *has not* filed a charge or charges against the defendant ☒ *has* asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about
(month) 9 (day) 22 (year) 2011.

(ii) ☐ the Illinois Department of Human Rights, on or about
(month)_____ (day)_____ (year)_____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) 9 (day) 28 (year) 2011 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [**check only those that apply**]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____
-

13.

The facts supporting the plaintiff's claim of discrimination are as follows:

See attached

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

(a) ☐ Direct the defendant to hire the plaintiff.

(b) ☐ Direct the defendant to re-employ the plaintiff.

(c) ☐ Direct the defendant to promote the plaintiff.

(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.

(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☒ Direct the defendant to (specify): *Release all information and*

files and Compensate pay all salaries that are owed as result of unfair practices and discrimination and stop ongoing violation of employee rights.

#13. My employer has retaliated against me, by reducing my salary from 90,762.91 to 75,096.33 without giving me any notification or explanation. When I went to obtain an employee verification letters August 08, 2011 and on October 04, 2011 I learned my employer had reduced my salary. I filed a grievance with in the 45 school days of the occurrence and I attached previous employment letters from 2003 unto July 08, 2011 which shows my salary and years of service (lane steps) at the correct amount and proper years of service with the Office of Employee Relations on October 11, 2011. My grievance was filed with in the 45 school days of the my salary reduction. My grievance was denied without being address; although I had requested an appeal my employer has not respond to my request why they reduced my salary. I am being discriminated against because I have a disability which is a direct result from being assaulted at work; when a student pushed me down the stairs; subsequently I had to have multiple surgeries, which has caused me inability to perform my duties as physical education teacher, which is now a permanent disability.

My employer granted me assault leave and is aware that I am entitled to full salary and compensation. My employer has not treated me with fairness by with holding my salary for over a year and interrupting my benefits pay and making salary changes with out sending a written notification, but they send notification to teachers that are not on assault leave. My employer continually violates my rights by retaliating against me, September 14, 2009 the Department of Human Resources / Compensation & Benefits Office sent me a letter stating I had been medically released to return to work, when they knew months in advance that I did not have a medical release from my doctors, and they with held my salary and medical benefits I responded to their letter and sent them my doctor statements. On July 29, 2009 thru December 12, 2009 my employer with held my benefits and they refused to pay as of to date July 29, 2009 to September 13, 2009 benefits.

In January 2008, after being denied open enrollment health insurance I asked to view my personnel file and there were only 2 pieces of paper in my file and one of the papers was an evaluation form stating I had resigned (which I did not resign), that had been written by Principal Esenberg and a letter stating to place me on Duty Disability which I was not informed that my leave had been changed., therefore I was still entitled to full salary and benefits, When I inquired where was my entire file I was directed to Ken Smith in Human Resources and Ken Smith had an undetermined absences, subsequently I spoke with Sherrie Mitchell who told me I can not see my file. I wrote to Dale Moyer the Dept, Of Human Resources Ken Smith, Arne Ducan the CEO, and the Board of Ed. Law Dept. I was told I had to get a lawyer to write my employer to release my person ell file. I had to go the Dept. of Labor and after I got the file from the Dept. Of Labor I saw where several duty disability letters had been placed in my file and a letter from Principal Esenberg how he could replace me and he cc: the letter to the Local School Council with my complete social security number on it.

My employers has intentionally and willfully been inflicting me with emotional distress causing me financial hardship by with holding my benefits including stop making contributions to my pension and taking back my pay raise that I had worked for 3 years in advance. Consistently violating my rights to due process and treating me in differently from employees that are younger or those that are not disable. On going harassment even when I am at church. My employer presented me with a verbal offer to resign after with holding benefits from me for months at a time. Prolonging and denying medical treatment and not paying medical bills; when they were apprised that I would need further medical treatment. I have not receive fair treatment since my employer continues to make changes internally and does not allow me to view these other files such as the assault file and other information and files that are kept in their law department and with in other departments such as Office of Employee Relations, and Compensation & Benefits/ Human Resources Office; since decisions are made concerning me and directives are given and sent to these departments.

- _____
- _____
- _____
- _____
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Alita Jones

(Plaintiff's name)

Alita Jones

(Plaintiff's street address)

12215 South Elizabeth Street

(City) Chicago (State) Illinois (ZIP) 60643

(Plaintiff's telephone number) (773) - 865-8231

Date: November 21, 2011

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Alita M. Jones**
12215 S. Elizabeth
Chicago, IL 60643

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7011 1570 0003 6091 9833



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2011-06020

Vittoria Incandela,
Investigator

(312) 869-8141

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

Enclosures(s)

On behalf of the Commission

John P. Rowe
John P. Rowe,
District Director

9/26/11
 (Date Mailed)

cc: CHICAGO BOARD OF EDUCATION

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

440-2011-06020

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Alita M. Jones

Home Phone (Incl. Area Code)

(773) 865-8231

Date of Birth

08-13-1956

Street Address

City, State and ZIP Code

12215 S. Elizabeth, Chicago, IL 60643

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CHICAGO BOARD OF EDUCATION

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(773) 553-1142

Street Address

City, State and ZIP Code

William K. New Sullivan Elementary School, 125 S.Clark, Chicago, IL 60603

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN☒ RETALIATION ☒ AGE ☒ DISABILITY ☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

09-22-2011☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by Respondent in or around October 1982. My most recent position was Teacher. During my employment, I was placed on permanent disability. I complained to Respondent to no avail. Subsequently, my salary has been reduced and withheld. I also have been denied medical, and other, benefits.

I believe I have been discriminated against because my age, 55 (D.O.B August 13, 1956), and in retaliation, in violation of the Age Discrimination in Employment Act of 1967, as amended. I also believe I have been discriminated against because of my disability, and in retaliation, in violation of the Age Discrimination in Employment Act of 1990, as amended.

RECEIVED EEOC**SEP 22 2011****CHICAGO DISTRICT OFFICE**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Sep 22, 2011

Date

Alita Jones

Charging Party Signature